

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§
RAJAN, ET AL.	§ Group Art Unit: 3621
Serial No.: 10/695,622	§
Filed: October 28, 2003	§ Examiner: FIRMIN BACKER
Title: "GENERIC FRAMEWORK FOR APPLYING OBJECT-ORIENTED MODELS TO MULTI-TIERED ENTERPRISE APPLICATIONS"	§
	§ Atty. Docket No.: 065734.0139

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre- Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. The Applicants respectfully request reconsideration of the Application in light of the remarks set forth below.

REMARKS

The rejections of claims 1-263, 265-273, and 291-295 contain clear legal and factual deficiencies, as described below. In a Final Office Action dated December 22, 2005 ("Final Office Action"), the Examiner rejected claims 1-263, 265-273, and 291-295 under 35 U.S.C. § 102(e) as unpatentable over U.S. PG Pub No. 2004/0143470 to Myrick et al. ("Myrick").

Independent claims 1 and 295 are allowable because Myrick does not disclose each limitation of the claims. Claim 1 requires, in part: "a business framework; a database framework operative with said business framework; and a client framework operative with said business framework; wherein said business framework, said database framework, and said client framework form an enterprise system framework." Claim 295 includes similar limitations. To show the limitations of claims 1 and 295 in Myrick, the Final Office Action mailed December 22, 2005 ("Final Office Action") cites voluminous portions of Myrick without any explanation of how the cited portions of Myrick disclose any elements of claims 1 and 295. See Final Office Action, at 2.

Myrick does not disclose "a database framework operative with said business framework," as required by the independent claims. Myrick discusses "[a]n enterprise architecture [] for a business [that] is divided into a business architecture [], an information technology architecture [], and an enterprise management framework []." Myrick, Abstract. Myrick's "enterprise architecture" does not disclose or contemplate "a database framework operative with said business framework," as required by the independent claims. Nor does the Final Office Action present any reasoning or citation to show that the "a database framework operative with said business framework" is inherent.

In Applicant's Response to the Non-Final Office Action, Applicants explained how each of the figures and paragraphs cited in the rejection of claims 1 and 295 do not disclose the limitations of those claims. See Response to Non-Final Office Action mailed July 19, 2005 ("Response to Non-Final Office Action"), at 44-47. The Final Office Action, which cites identical portions of Myrick to show the limitations of these claims, does not compensate for the deficiencies of the Non-Final Office Action. In the "Response to Arguments" section, the Final Office Action states:

Applicant argue that the specification discusses a Database Framework 122 that may be composed of tables and/or views 404, and stored procedures 402 that operate in programs. Examiner respectfully disagrees with Applicant's characterization of the prior art.

Applicants believe that the Examiner misunderstood Applicants' arguments. The Specification discussed here is the Specification of Applicants' own application, which does, in fact discuss tables, views, and stored procedures. *See* Response to Non-Final Office Action, *at* 44; Specification, *at* ¶ 170. Applicants' quoted the Specification of the application to show examples of the "database framework," and to contrast those examples with the discussion in Myrick which does not show a database framework. The "Response to Arguments" section, the Final Office Action further states:

Although Applicant disagrees with Examiner assertion, Applicant emphasizes that paragraph 4 of the prior art discusses that the enterprise architecture is represented by six components, strategic plan; business architecture; information architecture, application architecture, technology infrastructure architecture', and enterprise information technology management framework. It does not appear that there is disagreement with Applicant's admission and Examiner's assertion as far as the teaching of the prior art. Furthermore, Applicant's argument confirmed that the prior art teach all the limitation claimed in the Applicant's invention. (see applicant's argument). Therefore, the rejection is sustained.

Applicants disagree. Applicants discussed the cited portion of Myrick to show that they do not disclose the "a database framework operative with said business framework" of the independent claims. Applicants made no admission that Myrick shows the claim elements.

Each of claims 2-263, 265-273, and 291-294 depend from claim 1, which Applicants have shown to the allowable. For at least this reason, Applicants request that the rejection of 2-263, 265-273, and 291-294 be withdrawn.

In Applicants' Response to Non-Final Office Action, Applicants went on to show that Myrick similarly fails to disclose at least the following elements found in the dependent claims:

1. rapid development services;
2. developer services; and
3. databases.

See Response to Non-Final Office Action, *at* 47-54.

The Final Office Action does not include any mention of these arguments in the "Response to Arguments" section. Applicants maintain that Myrick does not disclose any of these limitations, even under the broadest reasonable interpretation of these claim terms. *See* Response to Non-Final Office Action, *at* 47-54.

For at least these reasons, Myrick does not anticipate claims 1-263, 265-273, and 291-295. Applicants, therefore, respectfully request that the rejections of claims 1-263, 265-273, and 291-295 be withdrawn.

CONCLUSION

As the rejections of claims 1-263, 265-273, and 291-295 contain clear deficiencies, Applicants respectfully request allowance of claims 1-263, 265-273, and 291-295. To the extent necessary, the Commissioner is authorized to charge any required fees or credit any overpayments to Baker Botts L.L.P. **Deposit Account No. 02-0383**, (*formerly Baker & Botts, L.L.P.*) **Order Number 068354.1109**.

Respectfully submitted,

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May 22, 2006

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